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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/037,842	01/02/2002	Dan Kikinis	1028-042-1	6723
22208 7590 09/10/2008 ROBERTS, MARDULA & WERTHEIM, LLC 11800 SUNRISE VALLEY DRIVE SUITE 1000 RESTON, VA 20191				
EXAMINER				
SHAW, PELING ANDY				
ART UNIT		PAPER NUMBER		
2144				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/037,842

Applicant(s)

KIKINIS, DAN

Examiner

PELING A. SHAW

Art Unit

2144

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 June 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 103-135 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 103-135 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

1. Applicant's amendment filed on 06/20/2008 has been entered into record. Claims 45-46, 48-52, 55-59, 61-65, 68-69 and 81-102 are canceled. Claims 103-135 are new. Claims 103-135 are currently pending.
2. Applicant's submission filed on 10/04/2007 was entered. Claims 45-46, 48-52, 55-58, 61 and 64 were amended. Claims 67, 70-74 and 78-80 were cancelled. Claims 81-102 were new.
3. Amendment received on 02/08/2007 was entered into record. Claims 45, 55, 58, 64-65, 70 and 78 were amended. Claims 47, 53-54, 60, 66 and 75-77 were cancelled.
4. Applicant's submission filed on 05/26/2006 was entered. Claims 1-44 were cancelled. Claims 45-80 were new.
5. Amendment received on 08/18/2005 was entered. Claims 1 and 25 were amended. Claims 26-44 were new.

Priority

6. This application has claimed a priority of 60/264,937 filed on 01/29/2001. The filing date is 01/02/2002.

Claim Rejections - 35 USC § 112, second paragraph

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 103-113 are rejected under 35 U.S.C. 112, second paragraph as following:

- a. Independent claim 103 recites the limitation of “a user device connected to the gateway via ...” There is insufficient antecedent basis for this limitation in the claim. Independent claim 103 and its dependent claims 104-113 are rejected. For the purpose of applying art, claim 103 is read with the limitation of “a user device connected to a gateway via ...” instead of “a user device connected to the gateway via ...” And the limitation of “a gateway connected to an ...” is read as “the gateway connected to an ...”

Appropriate corrections are required.

Claim Rejections - 35 USC § 112, first paragraph

8. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 103-135 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement.

- a. Independent claims 103, 114 and 125 recite the limitations of “receiving at the remote gateway agent a client registration request from the remote proxy agent, wherein the client registration request creates a client-to-server connection through the firewall between the remote proxy agent and the remote gateway agent”,

“receiving at the remote gateway agent a client registration request from a remote proxy agent, wherein the client registration request creates a client-to-server connection through the firewall; registering the remote proxy agent with the remote gateway agent” and “a registration processor comprising instructions for sending a registration request to a remote gateway agent residing on a gateway via a first network, wherein the client registration request creates a client-to-server connection through a firewall interposed between the remote proxy agent and the remote gateway agent and wherein the gateway is accessible to a user device via a second network” are not found in applicant’s original specification or claim set in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. This change modifies the scope of the invention and introduces new subject matter into the application. It would require undue experimentation for one of ordinary skill in the networking art at the time the invention was made to be able to add and test all these functions inclusively rather than just pick a particular function for implementation. Independent claims 103, 114, 125 and their dependent claims 104-113, 115-124 and 126-135 are thus rejected. For the purpose of applying art, the limitation is read as in light of lines 12-23 on page 10 of applicant’s original specification.

Appropriate corrections are required.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 103-104, 106-107, 109-112, 114-115, 117-118, 120-123, 125-126, 128-129 and 131-134 are rejected under 35 U.S.C. 102(e) as being anticipated by Grantges (US 6324648 B1), hereinafter referred as Grantges.

- a. Regarding claim 103, Grantges disclosed a system for enabling remote access (Fig. 1; column 3, line 64-column 4, line 65: client computer remotely access applications via proxy server and web server) to applications residing on a processing system (Fig. 1: item 241 through 243 and 281 through 283; column 4, lines 13-16: applications on web servers (destination servers)) comprising: a firewall system interposed between a first system and a second system (Fig. 1; column 3, line 64-column 4, line 22; claim 1: DMZ server (authorization server) on private network side of firewall to authenticate a client computer to access a destination server over an insecure network), wherein the first system comprises: a user device connected to the gateway via a first network, wherein the user device comprises a client (Fig. 1, item 22; column 5, lines 24-38: applications on destination servers connected via HTTP with

remote user); and a gateway connected to an insecure side of the firewall via a second network, wherein the gateway comprises an instance of a remote gateway agent (Fig. 1, item 34; column 6, lines 12-36: DMZ proxy server comprises hardware and software known to those in the art), wherein the second system comprises: a processing system connected to a secure side of the firewall, wherein the processing system comprises an instance of a remote proxy agent and at least one application (Fig. 1, item 281 through 283: web servers; column 4, lines 13-16: web servers (destination servers); column 1, lines 24-26: multiplicity of servers executing a corresponding number of application programs; column 1, line 67-column 2, line 3: web server communication with the information collector using the well-known CGI for transferring information between a web server and a CGI program), wherein the remote gateway agent is configured for: receiving at the remote gateway agent a client registration request from the remote proxy agent, wherein the client registration request creates a client-to-server connection through the firewall between the remote proxy agent and the remote gateway agent (in light of lines 12-23 on page 10 of applicant's specification; column 4, line 23-65: options page presenting multiple application choices; column 7, lines 28-62: LDAP maintains identification of applications, application admin manages applications); receiving a request from the user device for a task to be performed by the at least one application residing on the processing system (column 4, lines 38-40: HTTP request); and forwarding the task request to the remote proxy agent residing on the processing system via the remote gateway agent to the registered remote proxy agent (column 7, lines 1-8: gateway

proxy server maps and routes messages destined for various application), and wherein the remote proxy agent comprises an interface to the at least one application (column 4, lines 13-16: applications on web servers (destination servers))and is configured for: sending the client registration request to the remote gateway agent (in light of lines 12-23 on page 10 of applicant's specification; column 4, line 23-65: options page presenting multiple application choices; column 7, lines 28-62: LDAP maintains identification of applications, application admin manages applications); receiving and analyzing the task request from the remote gateway agent (column 3, line 26-30; column 6, line 37-column 7, line 12: application gateway authenticate and map the message to destined application server); selecting and executing the at least one application via the interface to process the request (column 1, line 67-column 2, line 3: web server communication with the information collector using the well-known CGI for transferring information between a web server and a CGI program); and sending a result from the remote proxy agent to the remote gateway agent via the client-to-server connection through the firewall (Fig. 2, items 76 and 78; column 9, lines 19-35: request and result, e.g. options page).

- b. Regarding claim 104, Grantges disclosed the system of claim 103, wherein the processing system is selected from the group consisting of a personal computer, a multipurpose printing center, and a computer- connected peripheral (in light of applicant's original claims 2-4; Fig. 1; column 3, line 64-column4, line 22: application servers 24s in computer system 20, application servers 24s are connected to application gateway).

- c. Regarding claim 106, Grantges disclosed the system of claim 103, wherein the request is selected from the group consisting of searching a directory, opening a target file, accessing an e-mail application, sending a fax, reading a document over a dialed telephone connection, powering on a device connected to the one or more data processing computers, and powering off the device connected to the one or more data processing computers (column 11, line 13-55: look up local database user profile).
- d. Regarding claim 107, Grantges disclosed the system of claim 103, wherein the remote gateway agent is further configured for determining whether the user device is entitled to direct the request to the processing system (column 3, line 2-25; column 4, line 23-65).
- e. Regarding claim 109, Grantges disclosed the system of claim 103, wherein the second network is the Internet (Fig. 2).
- f. Regarding claim 110, Grantges disclosed the system of claim 103, wherein the request specifies a serial execution of serial tasks and return of results (Fig. 8, column 14, line 25-column 15, line 63: a serial execution of tasks for web browsing).
- g. Regarding claim 111, Grantges disclosed the system of claim 103, wherein a plurality of requests is sent to the one or more data processing computers in an un-interrupted data session (Fig. 8, column 14, line 25-column 15, line 63: the request is in one session).
- h. Regarding claim 112, Grantges disclosed the system of claim 103, wherein the remote gateway agent is further configured for receiving the result, and sending at least part of the result to the user device via the first network (column 4, line 23-65).

- i. Claims 114-115, 117-118 and 120-123 are of the same scope as claims 103-104, 106-107 and 109-112. These are rejected for the same reasons as for claims 103-104, 106-107 and 109-112.
- j. Claims 125-126, 128-129 and 131-134 are of the same scope as claims 103-104, 106-107 and 109-112. These are rejected for the same reasons as for claims 103-104, 106-107 and 109-112.

Grantges disclosed all limitations of claims 103-104, 106-107, 109-112, 114-115, 117-118, 120-123, 125-126, 128-129 and 131-134. Claims 103-104, 106-107, 109-112, 114-115, 117-118, 120-123, 125-126, 128-129 and 131-134 are rejected under 35 U.S.C. 102(e).

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 105, 116 and 127 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Grantges and further in view of Staples et al. (US 20020118671 A1), hereinafter referred as Staples.

- a. Grantges shows claim 103 as above. Grantges does not explicitly show (claim 105) wherein the at least one application is selected from the group consisting of an e-mail application, a word processing application, a facsimile application, a telephony application, and an operating system component application.

- b. Staples shows (claim 105) wherein the at least one application is selected from the group consisting of an e-mail application, a word processing application, a facsimile application, a telephony application, and an operating system component application (Fig. 1: Email server and FAX server) in an analogous art for the purpose of extending office telephony and network data services to a remote client through the internet.
- c. It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to modify Grantges' functions of secure gateway with Staples' explicitly identified functions of printing.
- d. The modification would have been obvious because one of ordinary skill in the art would have been motivated to extend Grantges' remote access control functions for a computer system of application servers for an explicit computer based application per Staples' teaching (paragraph 6).
- e. Claims 116 and 127 are of the same scope as claim 105. These are rejected for the same reasons as for claim 105.

Together Grantges and Staples disclosed all limitations of claims 105, 116 and 127. Claims 105, 116 and 127 are rejected under 35 U.S.C. 103(a).

11. Claims 108, 113, 119, 124, 130 and 135 are rejected under 35 U.S.C. 103(a) as being unpatentable over Grantges and further in view of Hanhan (US 6711611 B2), hereinafter referred as Hanhan.

- a. Grantges shows claim 103 as above. Grantges does not show (claim 108) wherein the first network is a wireless network and the user device is a wireless device.

- b. Hanhan shows (claim 108) wherein the first network is a wireless network and the user device is a wireless device (column 5, lines 58-65: light device wireless connection with proxy server) in an analogous art for the purpose of data-linking a mobile knowledge worker to home communication-center infrastructure.
- c. It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to modify Grantges' functions of secure gateway with Hanhan's functions of wireless application access.
- d. The modification would have been obvious because one of ordinary skill in the art would have been motivated to have wireless access capability per Hanhan's teaching in accessing through proxy server per Grantges (column 3, lines 26-30) and Hanhan (column 5, lines 58-65)'s teaching.
- e. Regarding claim 113, Grantges shows claim 112 as above. Hanhan shows wherein the gateway server instance is further configured for transcoding the result for viewing by the user device prior to sending the result to the user device (column 8, lines 33-52: automated services system adapted to handle automated interaction and response for certain text-based interactions such as e-mails, facsimiles, and the like; column 9, lines 31-41: converter capable of real-time conversion and entry).
- f. Claims 119, 124, 130 and 135 are of the same scope as claims 108 and 113. These are rejected for the same reasons as for claims 108 and 113.

Together Grantges and Hanhan disclosed all limitations of claims 108, 113, 119, 124, 130 and 135. Claims 108, 113, 119, 124, 130 and 135 are rejected under 35 U.S.C. 103(a).

Response to Arguments

12. Applicant's arguments filed on 05/22/2008 have been fully considered, but they are not persuasive.

- a. Applicant has cancelled all previous pending claims and added a new set of claim.

Examiner has reviewed the new claim set in light of applicant's original specification and claim set. Examiner has also reviewed claim rejections and applied prior art as per Office Action dated 12/26/2007. Examiner has found the applied prior art are still applicable to the current claim set. Examiner has updated claim rejections to reflect the new claim set and cited references from prior arts.

- b. Applicant has argued the limitation of "receiving at the remote gateway agent a client registration request from the remote proxy agent, wherein the client registration request creates a client-to-server connection through the firewall between the remote proxy agent and the remote gateway agent". Examiner has reviewed the limitation in light of applicant's original specification and claim set. Examiner could only identify a related section, i.e. lines 12-23 on page 10, of applicant's specification. However, the limitation is not a direct derivation of the cited section. The limitation is thus rejected under 35 U.S.C. 112, first paragraph. In the same scope, Grantges has shown (column 4, line 23-65) a user is authorized to access an application via proxy server/gateway through a firewall where the proxy server is like the remote agent gateway and the gateway is like a remote proxy agent of applicant's claimed invention. Thus Grantges has shown that the application is associated with the gateway. Grantges has further shown (column 7, lines 28-62) that a LDAP is used to

- maintain identification of applications and application admin manages applications.
- Grantges seem to teach or suggest the claimed invention in the scope of relevant sections from applicant's specification.
- c. It is the Examiner's position that Applicant has not submitted claims drawn to limitations, which define the operation and apparatus of Applicant's disclosed invention in manner, which distinguishes over the prior art. As it is Applicant's right to claim as broadly as possible their invention, it is also the Examiner's right to interpret the claim language as broadly as possible. It is the Examiner's position that the detailed functionality that allows for Applicant's invention to overcome the prior art used in the rejection, fails to differentiate in detail how these features of applicant's specification are unique (see item a in section 9, items a-d from sections 10 and 11). Grantges, Hanhan and Staples have shown wireless access via a remote proxy-server and a local application server for data network access services. It is clear that Applicant must be able to submit claim language to distinguish over the prior arts used in the above rejection sections that discloses distinctive features of Applicant's claimed invention. It is suggested that Applicant compare the original specification and claim language with the cited prior art used in the rejection section above or the Remark section below to draw an amended claim set to further the prosecution.
- d. Failure for Applicant to narrow the definition/scope of the claims and supply arguments commensurate in scope with the claims implies the Applicant's intent to broaden claimed invention. Examiner interprets the claim language in a scope

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parallel to the Applicant in the response. Examiner reiterates the need for the

Applicant to more clearly and distinctly define the claimed invention.

Remarks

13. The following pertaining arts are discovered and not used in this office action. Office reserves the right to use these arts in later actions.

- a. BELANGER et al. (US 20010014839 A1) REMOTE COMMUNICATION AND INFORMATION MANAGEMENT SYSTEM
- b. Vasell et al. (US 6496575 B1) Application and communication platform for connectivity based services

Conclusion

14. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Refer to the enclosed PTO-892 for details.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peling A. Shaw whose telephone number is (571) 272-7968. The examiner can normally be reached on M-F 8:00 - 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William C. Vaughn can be reached on (571) 272-3922. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

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applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/P. A. S./
Examiner, Art Unit 2144

/William C. Vaughn, Jr./
Supervisory Patent Examiner, Art Unit 2144